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14 **UNITED STATES DISTRICT COURT**
15 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

16 MUNCHKIN, INC., a Delaware
17 corporation,

18 Plaintiff,

19 vs.

20 LUV N' CARE, LTD., a Louisiana
21 corporation, and

22 ADMAR INTERNATIONAL, INC.,
23 a Delaware corporation.

24 Defendants.

Case No. 13-cv-7228-ODW-AGR

**PLAINTIFF'S NOTICE OF MOTION
AND MOTION TO EXCLUDE
EXPERT TESTIMONY BY N. HAKIM**

Honorable Otis D. Wright II
Motion Hearing Date: February 2, 2015
Motion Hearing Time: 1:30 p.m.

Action Filed: September 30, 2013
Discovery Cut-Off: December 1, 2014
Trial: March 3, 2015

1 TO ALL DEFENDANTS AND THEIR ATTORNEYS OF RECORD,
 2 PLEASE TAKE NOTICE THAT at 1:30 p.m. on February 2, 2015 in Courtroom
 3 11 of the above-entitled Court, or as soon thereafter as the matter may be heard,
 4 Plaintiff Munchkin, Inc. ("Munchkin") will, and hereby does, move the Court for
 5 an order precluding Nouri Hakim from offering opinion testimony of any kind at
 6 trial, for an award of Munchkin's reasonable attorneys fees incurred in bringing this
 7 motion, and for such further relief as the Court deems just and proper.

8
 9 This motion is made pursuant to Rules 26 and 37 of the Federal Rules of
 10 Civil Procedure on the grounds that Defendants Luv n' care, Ltd. and Admar
 11 International, Inc. (collectively, "LNC") have failed to disclose Mr. Hakim's
 12 alleged expert opinions as required under Rule 26 and this Court's January 15, 2014
 13 Scheduling and Case Management Order (Docket No. 21). This Motion is based on
 14 this Notice of Motion and Motion, the Suggestions in Support thereof below, and
 15 the concurrently filed Declaration of R. Cameron Garrison and attachments thereto,
 16 and such other and further evidence or arguments as may be made prior to or at the
 17 time of the hearing.

18 This motion is made following the conference of counsel pursuant to L.R. 7-
 19 3, which took place through written correspondence on December 1, 5 and 8, 2014
 20 as well as a telephonic conference between counsel on December 5, 2014.

21
 22 Dated: January 5, 2015

LATHROP & GAGE LLP

s/R. Cameron Garrison

R. Cameron Garrison

Attorneys for MUNCHKIN, INC.